PATENT #6

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Albert K. Chin

APPLICATION NO.:

10/087,089

FILING DATE:

February 27, 2002

SEP 0 6 2002

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TITLE:

Temporary Arterial Shunt and Method

TECHNOLOGY CENTER R3700

**EXAMINER:** 

Unassigned

**GROUP ART UNIT:** 

3761

ATTY. DKT. NO.:

80121-06652

## **CERTIFICATE OF MAILING**

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Dated:

8/27/02

By:

: (d. ( , Sm)

Albert C. Smith, Reg. No.: 20,355

COMMISSIONER FOR PATENTS WASHINGTON, DC. 20231

## INFORMATION DISCLOSURE STATEMENT Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449/PTO-8A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

			ulling of a first official action after the filing of a request for							
			amination (RCE) under 37 CFR § 1.114;							
			onths of the filing date of this national application or the date							
		of entry of the national stage in an international application, or after the								
		mailing date of the first official action on the merits, whichever event last								
			before the mailing date of the first to occur of either: (1) a							
			nder 37 CFR §1.113; or (2) an action that otherwise closes							
	prosecution in the application, and:									
		attacl	hed hereto is the fee set forth under 37 CFR §1.17(p) for							
		subm	sission of this Information Disclosure Statement under 37							
		CFR.	CFR.§ 1.97(c); OR							
		Appl	icant certifies pursuant to 37 CFR § 1.97(e) that:							
			each item of information contained in this Information							
			Disclosure Statement was first cited in a communication							
			from a foreign patent office in a counterpart foreign							
		•	application not more than three months prior to the filing of							
			this Statement; OR							
			no item of information contained in this Information							
			Disclosure Statement was cited in a communication from a							
			foreign patent office in a counterpart foreign application							
			and, to the knowledge of the person signing this							
			certification after making reasonable inquiry, no item of							
			information contained in this Statement was known to any							
			individual designated under 37 CFR § 1.56(c) more than							
			three months prior to the filing of this Statement;							
	before	e the pa	syment of the issue fee but after the mailing date of the first to							
	occur	of eith	er: (1) a final action under 37 CFR § 1.113; or (2) an action							
	that o	therwis	se closes prosecution in the application, and:							
		Appl	icant certifies pursuant to 37 CFR. § 1.97(e) that:							
			each item of information contained in this Information							
			Disclosure Statement was cited in a communication from a							
			foreign patent office in a counterpart foreign application not							
			more than three months prior to the filing of this Statement;							
			or							
			no item of information contained in this Information							
			Disclosure Statement was cited in a communication from a							

				fe	eign patent office in	n a counterpart foreign	application	
				a	, to the knowledge	of the person signing	this	
				С	tification after mak	ing reasonable inquiry	, no item of	
				iı	ormation contained	in this Statement was	known to any	
				iı	ividual designated	under 37 CFR § 1.56(e	c) more than	
				tl	ee months prior to t	he filing of this Staten	nent; AND	
				attached	ereto is the fee set f	orth under 37 CFR §1	.17(p) for	
				submissi	of this Information	n Disclosure Statemen	ıt under 37	
				CFR.§ 1	7(c); OR			
			after th	ne paymer	of the issue fee. Ap	pplicant request that th	e information	
			contair	ned in this	nformation Disclos	ure Statement be place	ed in the file	
			accord	ing to 37	FR § 1.97(i), althou	igh the information ma	ay not be	
			consid	ered by th	USPTO.			
		This ap	pplication	on relies,	der 35 U.S.C. § 12	0, on the earlier filing	date of prior	
		applica	ation No	. [APPLI	ATION NUMBER	], filed on [FILING Da	ATE], and the	
		referer	ices cite	d therein	e hereby referenced	d, but are not required	to be provided	
		in this application under 37 CFR § 1.98(d).						
		Each it	tem of i	nformatio	ontained in this Information Disclosure Statement was			
		cited in	n a com	municatio	from a foreign pate	ent office in a counterp	part application,	
		and the	e comm	unication	as not received by	any individual designa	ited in 37 CFR	
		§ 1.56	(c) more	than thir	days prior to the fi	ling of this Informatio	n Disclosure	
		Statement. 37 CFR § 1.704(d).						
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		Disclo	sure Sta	tement.				
	Consid	leration	of the 1	isted refe	nces and favorable	action are solicited.		
					Respectfully su	ahmitted		
					ALBERT K. C			
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Dated:		8	27	02	Бу			
					Fenwick & We	h, Reg. No.: 20,355 est LLP		
					Two Palo Alto			
		•			Palo Alto, CA			
					Tel.: (650) 858			
					Fax.: (650) 494	<del>+-</del> 141/		

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Septime (a) 9 mm 1449A/PTO Complete if Known Application No. 10/087,089 INFORMATION DISCLOSURE February 27, 2002 Filing Date STATEMENT BY APPLICANT First Named Inventor Albert K. Chin Art Unit 3761 **Examiner Name** Unassigned **Attorney Docket Number** Sheet of 2 80121-06652

U.S. PATENT DOCUMENTS					
		Document No.			
Examiner Initials*	Cite No.1	Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
	Α	US-6,409,739 B1	06-25-2002	Nobles et al.	
	В	US-6,395,015 B1	05-28-2002	Borst et al.	
	C	US-6,171,319	01-09-2001	Nobles et al.	
	D	US-5,944,730	08-31-1999	Nobles et al.	
	E	US-5,826,251	10-20-1998	Kiendl	
	F	US-5,766,220	06-16-1998	Moenning	
	G	US-5,749,883	05-12-1998	Halpern	
	н	US-5,700,277	12-23-1997	Nash et al.	
	1	US-5,690,674	11-25-1997	Diaz	
	J	US-5,630,833	05-20-1997	Katsaros et al.	
·	к	US-5,620,461	04-15-1997	Muijs Van De Moer et al.	
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	М	US-5,545,178	08-13-1996	Kensey et al.	
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	0	US-5,413,571	05-09-1995	Katsaros et al.	
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	s	US-5,312,435	05-17-1994	Nash et al.	
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	U	US-5,222,974	06-29-1993	Kensey et al.	
	V	US-5,192,301	03-09-1993	Kamiya et al.	
	w	US-5,122,122	06-16-1992	Aligood	
-	х	US-5,108,421	04-28-1992	Fowler	
	Υ	US-4,852,568	08-01-1989	Kensey	

Examiner Signature	Date Considered	

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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	Substitute for	form 1449A	REDEMAN	Complete if Known				
INEO	DMATIO	N DISC	LOSURE	Application No.	10/087,089			
			PLICANT	Filing Date	February 27, 2002	Dr.		
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				Art Unit	3761	SFD		
				Examiner Name	Unassigned	TECHU 6 20		
Sheet	2	of	2	Attorney Docket Number	80121-06652	TECHNOLOGY 2002		
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			U.S. PATEN	T DOCUMENTS
		Document No.		
Examiner Initials*	Cite No.1	Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	Z	US-4794,928	01-03-1989	Kletschka
	AA	US-4,744,364	05-17-1988	Kensey

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>®</sup>		
-	BB	EP 0 894 475 A1	02-03-1999	MEDTRONIC, INC.			
	CC	EP 0 544 485 A1	06-02-1993	Cook Incorporated			
	<u> </u>						

Examiner	Examiner Cite Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine,							
Initials*	No.¹	journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T⁵					
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Signature	Considered	
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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Patent and Trademark Office V. S. DEPARTMENT OF COMMERCE  Patent and Trademark Office V. S. DEPARTMENT OF COMMERCE  Patent and Trademark Office V. S. DEPARTMENT OF COMMERCE  Patent and Trademark Office  Filing Date  First Named Inventor  Albert K. Chin  REC FIVED  Group At Unit Number  Total Number of Pages in This Submission  ENCLOSURES  Check all that apply)  Separation  ENCLOSURES  ENCLOSURES  ENCLOSURES  ENCLOSURES  Check all that apply)  Separation  ENCLOSURES  ENCLOSURES  ENCLOSURES  ENCLOSURES  Check all that apply)  Separation  Power of Attorney  Response to Notice to File Missing Parts  Assignment & Recordation Cover Sheet  Declaration  Power of Attorney  Application Number  Application Number  Interferences  Request for Corrected Filing Receipt  Request for Correction of Recorded Assignment  Ander Final  Status Request  Revocation and Substitute Power of Attorney  REMARKS: 'Does not include page count of references.  SIGNATURE OF ATTORNEY OR AGENT  Signature:  Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355  CERTIFICATE OF MAILING  Interespondence, including the enclosures identified above, is being deposited with the United States Postal Service as trust class mail in an envelope addressed to Commissioner for Patents, Washington, D. C. 2023 on the date shown below. If the Express Mail Post Office Appears on Printed Name:  Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355  Signature:  Q CERTIFICATE OF MAILING  Interespondence, including the enclosures identified above, is being deposited with the United States Postal Service as trust states mail in an envelope addressed to Commissioner for Patents, Washington, D. C. 2023 on the date shown below. If the Express Mail Post Office Application of Printed Name:  Albert C. Smith Mail Power of Patents, Washington, D. C. 2023 on the date shown below. If the Express Mail Post Office Name Power Patents and Post Office Name Patents Patents Pow	3 2002		PTO/SB/21 (modified)	· +	
U.S. Department of Commerce Patent and Trademark Office  TRANSMITTAL FORM (Io be used for all correspondence during pendency of lilled application)  Total Number of Pages in This Submission 6* Altbring Docket Number 3761  ENCLOSURES (check all that apply)  ENCLOSURES (check all that apply)  Setum Receipt Postcard   Issue Fee Transmittal   I	Pate	Approved for a	use through xx/xx/xx. OMB 0651-0031	•	
TRANSMITTAL FORM (to be used for all correspondence during pendency of filed application)    First Named Inventor   Albert K. Chin   REC	U.S. Department of Commerce			]	
(to be used for all correspondence during pendency of filed application)    Examiner Name		Filing Date	February 27, 2002		
Total Number of Pages in This Submission 6* Aitbrney Docket Number 80121-06652    ENCLOSURES (Check all that apply)	TRANSMITTAL FORM	First Named Inventor	Albert K. Chin RF	ENVE	
Total Number of Pages in This Submission 6* Aitbrney Docket Number 80121-06652    ENCLOSURES (Check all that apply)		Group Art Unit Number	3761 SEP	FIVED	
Fee Transmittal Form (in duplicate)   Issue Fee Transmittal   Issue Fee Tran		Examiner Name	Unassigned TECHNOLOGO	2002	
Fee Transmittal Form (in duplicate)   Issue Fee Transmittal   Letter to Chief Draftsperson   Report Postcard   Formal Drawing(s):   Sheet(s) of Figure(s)   Sheet(s) of Figu	Total Number of Pages in This Submission 6*	Attorney Docket Number	80121-06652	CENTER R3700	
Fee Transmittal Form (in duplicate)	ENCLOSURES	(check all that apply	()	_ 7	
Return Receipt Postcard   Formal Drawing(s):   Response to Notice to File Missing Parts   Assignment & Recordation Cover Sheet   Appeal Communication to Board of Appeals and Interferences   Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)   Information Disclosure Statement & PTO-1449   Certified Copy of Priority Document(s)   After Allowance Communication to Group   Appeal State Priority Document(s)   After Allowance Communication to Group   After Allowance Communication to Group   After Final   Amendment/Response: [] Page(s)   After Final   Amendment/Response: [] Page(s)   After Final   Amendment/Response: [] Page Count of references   SIGNATURE OF ATTORNEY OR AGENT   Signature:   Altorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355   Dated:   B Z 7 (o > CERTIFICATE OF MAILING   Dated:   B Z 7 (o > Diffice to Addressee' service pursuant to 37 CFR 1.10.   Signature:   Certified Name:   Albert C. Smith   Dated:   B Z 7 (o > Diffice to Addressee' service pursuant to 37 CFR 1.10.   Signature:   Certified Name:   Albert C. Smith   Dated:   B Z 7 (o > Dated:	Fee Transmittal Form (in duplicate)			1	
Return Receipt Postcard	Check Enclosed	Letter to Chief D	raftsperson		
Response to Notice to File Missing Parts Assignment & Recordation Cover Sheet Declaration Power of Attorney Appela Communication to Board of Appeals and Interferences Information Disclosure Statement & PTO-1449 Copies of IDS Cited References Request for Corrected Filing Receipt Request for Correction of Recorded Assignment After Final Status Request Revocation and Substitute Power of Attorney  REMARKS: "Does not include page count of references.  SIGNATURE OF ATTORNEY OR AGENT Signature: Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,3355  CERTIFICATE OF MAILING Ihereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to. Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.  Signature:  Typed or Printed Name: Albert C. Smitth  Albert C. Smitth  Dated: 8 7 7 (0	Return Receipt Postcard				
Assignment & Recordation Cover Sheet Declaration Declaration Power of Attorney Application Data Sheet Information Disclosure Statement & PTO-1449 Copies of IDS Cited References Request for Corrected Filing Receipt Request for Correction of Recorded Assignment Amendment/Response: [] Page(s) After Final Status Request Revocation and Substitute Power of Attorney  REMARKS: 'Does not include page count of references.  SIGNATURE OF ATTORNEY OR AGENT Signature: Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355  Dated: 8 2 7 0 >  CERTIFICATE OF MAILING  Thereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to. Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filied in below, then this correspondence is being deposited with the United States Postal Service Express Mail Post Office to Addressee' service pursuant to 37 CFR 1.10.  Typed or Printed Name: Albert C. Smith  Albert C. Smith  Dated: 8 2.7 (0 )  Typed or Printed Name: Albert C. Smith  Dated: 8 2.7 (0 )	Response to Notice to File Missing Parts				
Power of Attorney	Assignment & Recordation Cover Sheet				
Application Data Sheet    Application Data Sheet   (Appeal Notice, Brief, Reply Brief)     Information Disclosure Statement & PTO-1449   Certified Copy of Priority Document(s)     Copies of IDS Cited References   After Allowance Communication to Group     Request for Corrected Filing Receipt   Request for Correction of Recorded Assignment     Amendment/Response:   Page(s)   After Final   After Final   Status Request   Revocation and Substitute Power of Attorney     REMARKS: "Does not include page count of references.    Signature:   Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355   Dated:   8   2 7   0 >		Interferences			
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Copies of IDS Cited References   After Allowance Communication to Group   Request for Corrected Filing Receipt   Request for Correction of Recorded Assignment   Amendment/Response:   Page(s)   After Final   Status Request   Revocation and Substitute Power of Attorney   REMARKS: *Does not include page count of references.    SIGNATURE OF ATTORNEY OR AGENT   Signature:   Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355   Dated:   8   2 7   0 >	1 <b>=</b> ···	I —	• • •		
Request for Corrected Filing Receipt Request for Correction of Recorded Assignment Amendment/Response: [] Page(s) After Final Status Request Revocation and Substitute Power of Attorney  REMARKS: 'Does not include page count of references.  SIGNATURE OF ATTORNEY OR AGENT Signature: Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355 Dated: 8 27 0>  CERTIFICATE OF MAILING I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Palents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.  Signature:  Typed or Printed Name: Albert C. Smith  Dated: 8 27 02		1 <del></del>			
Request for Correction of Recorded Assignment Amendment/Response: [ ] Page(s) [ ] After Final [ ] Status Request Revocation and Substitute Power of Attorney [ ] REMARKS: "Does not include page count of references.    SIGNATURE OF ATTORNEY OR AGENT   Signature:   Attorney/Reg. No.:   Albert C. Smith/Reg. No.: 20,355   Dated:   8   2 7   0		Aiter Allowance (	Communication to Group		
After Final  Status Request  Revocation and Substitute Power of Attorney  REMARKS: *Does not include page count of references.  SIGNATURE OF ATTORNEY OR AGENT  Signature:  Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355  Dated: 8 27 0  CERTIFICATE OF MAILING  I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.  Signature:  Typed or Printed Name: Albert C. Smith					
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Status Request Revocation and Substitute Power of Attorney  REMARKS: *Does not include page count of references.  SIGNATURE OF ATTORNEY OR AGENT  Signature: Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355  Dated: 8 27 0 >  CERTIFICATE OF MAILING  I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.  Signature:  Typed or Printed Name: Albert C. Smith					
REMARKS: *Does not include page count of references.  SIGNATURE OF ATTORNEY OR AGENT Signature:  Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355  Dated: 8 27 0 >  CERTIFICATE OF MAILING  I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.  Signature:  Typed or Printed Name: Albert C. Smith  Dated: 8 27 02		<u> </u>			
REMARKS: *Does not include page count of references.  SIGNATURE OF ATTORNEY OR AGENT  Signature:  Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355  Dated: 8 27 0 >  CERTIFICATE OF MAILING  I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.  Signature:  Typed or Printed Name: Albert C. Smith  Dated: 8 27 02	I = .				
Signature:  Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355  CERTIFICATE OF MAILING  I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.  Signature:  Typed or Printed Name: Albert C. Smith  Dated: 8 27 02	Revocation and Substitute Power of Attorney				
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Signature:  Attorney/Reg. No.: Albert C. Smith/Reg. No.: 20,355  CERTIFICATE OF MAILING  I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.  Signature:  Typed or Printed Name: Albert C. Smith  Dated: 8 27 02					
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